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AB-1715 US
S.N. 10/815,788

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REMARKS

Claims 1-24 were pending in the case prior to amendment. Please cancel claims 21-23, without prejudice or disclaimer. Claims 14-20 are allowed. Claims 1-3 stand rejected under the doctrine of non-statutory double patenting in view of pending United States Patent Application Serial No. 11/180,989 to Cho et al. ("Cho"). Claims 4-7 stand rejected under the doctrine of non-statutory double patenting in view of Cho and U.S. Patent No. 6,784,965 to Kim et al. ("Kim"). Claims 8-13 and 24 stand objected to.

In view of the remarks herein, the rejections are respectfully traversed. Reconsideration and allowance are respectfully requested.

I. Allowed claims

The indication of allowable material is gratefully acknowledged.

II. The Claim Rejections

The Statutory Double Patenting Rejection

Claims 1-7 stand rejected under the doctrine of non-statutory double patenting, either in view of Cho or in view of the combination of Cho and Kim. Claims 8-13 and 24 stand rejected as depending on a rejected base claim.

However, the rejection under the doctrine of non-statutory double patenting in the current case is improper. The filing date of this case is April 2, 2004, while the filing date of Cho is July 12, 2005. According to MPEP 804, the provisional double patenting rejection should be withdrawn from the current case, which should be allowed to issue.

Specifically, MPEP 804(B)(1) notes that:

If a "provisional" nonstatutory obviousness-type double patenting (ODP) rejection is the only rejection remaining in the earlier filed of the two pending applications, while the later-filed application is rejectable on other grounds, the examiner should withdraw that rejection and permit the earlier-filed application to issue as a patent without a terminal disclaimer. If the ODP rejection is the only rejection remaining in the later-filed application, while the earlier-filed application is rejectable on other grounds, a terminal disclaimer must be required in the later-filed application before the rejection can be withdrawn.

Because this is the earlier filed application of the two applications, the rejection should be withdrawn, and the application allowed to issue.

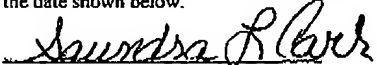
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For at least the above reason, claims 1-20 and 24 are in condition for allowance, and a notice to that effect is gratefully solicited.


CONCLUSION

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue, or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

If the Examiner has any questions or concerns, a telephone call to the undersigned at (949) 752-7040 is welcomed and encouraged.

<p>Certificate of Facsimile Transmission</p> <p>I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on the date shown below.</p> <p> Sandra L. Carr</p> <p>Date of Signature: <u>October 10, 2006</u></p>

Respectfully submitted,


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